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08 AUG 2007

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In re Application of  
ARQUINT et al.  
Serial No.: 10/523,933  
PCT App. No.: PCT/DE03/02548  
Int'l Filing Date: 29 July 2003  
Priority Date: 08 August 2002  
Attorney Docket No.: 32860-000850/US  
For: RADICALLY CROSSLINKABLE  
HYDROGEL COMPRISING LINKER GROUPS

DECISION ON  
RENEWED PETITION  
UNDER 37 CFR 1.137(b)

This is a decision on applicants' "Second Renewed Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)", filed on 20 July 2007 in the United States Patent and Trademark Office (USPTO).

**BACKGROUND**

On 15 August 2005, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required. On 3 October 2005, applicants filed an executed declaration.

On 23 January 2006, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed regarding the declaration and indicating that the signature of inventor Gotz was missing and that inventor Nuss was not listed in the international application. The application was abandoned at midnight on 15 March 2006 for failure to file a timely response to the Notification of Missing Requirements.

On 11 May 2006, applicant filed a petition to revive along with an explanation of the signature of the inventor. On 5 September 2006, a decision dismissing the petition was mailed.

On 27 February 2007, a renewed petition was filed along with petition under 37 CFR 1.182 to accept name change of inventor Hannelore GOTZ to Hannelore NUSS. On 14 June 2007, a decision was mailed indicating that the declaration was unacceptable as filed.

On 20 July and 01 August 2007, in response to the 14 June 2007 decision, applicant filed declarations executed by the inventors.

**DISCUSSION**

A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper response unless it has been previously submitted, (2) the fee required by law for revival of an unintentionally abandoned application (1.17(m)), and (3) a statement that the "the entire delay in filing the required reply from the

due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional".

Applicant previously satisfied Items (2) and (3). With regard to Item (1), the proper reply is a declaration or oath, in compliance with 37 CFR 1.497(a) and (b), executed by the inventors. The declarations submitted on 20 July and 01 August 2007 are properly executed and acceptable. The requirements of 37 CFR 1.497(a) and (b) have now been met. Item (1), a proper reply, has been satisfied.

### CONCLUSION

For the reasons stated above, the renewed petition to revive under 37 CFR 1.137(b) filed 20 July 2007 in the above-captioned application is GRANTED.

The application will be forwarded to the United States Designated/Elected Office for further processing in accord with this decision. The 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) date is 01 August 2007.



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